

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: EARL RENANDO WILLIAMS,	}	CHAPTER 13
	}	
DEBTOR(S)	}	CASE NO. A11-64338-BEM
	}	
	}	JUDGE ELLIS-MONRO

CHAPTER 13 TRUSTEE'S MOTION FOR DETERMINATION OF CLAIM STATUS

COMES NOW, Mary Ida Townson, Standing Chapter 13 Trustee in the above-styled matter, and files this Motion for Determination of Claim Status, respectfully showing the Court as follows:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on May 11, 2011. The plan was confirmed by the Court on July 27, 2011. The plan provides for a one-hundred percent (100%) dividend or an unsecured pool of \$9,908.00, whichever is greater, to unsecured creditors.

2.

On August 15, 2011, USAA filed an unsecured claim in the amount of \$3,447.30 (Claim No. 7-1 on the Court's Claims Register).

3.

On May 2, 2012, Keena Patel, attorney for the Debtor, filed a secured claim on behalf of USAA Federal Savings Bank in the amount of \$5,643.00 (Claim No. 9-1 on the Court's Claims Register).

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4.

It appears Claim No. 9-1 may have been incorrectly filed as a secured claim.

5.

As it is unclear if this claim should be treated as a secured or unsecured claim, the Trustee is unable to properly administer this plan.

WHEREFORE, based on the foregoing, the Chapter 13 Trustee respectfully moves the Court for an order determining the status of the claim of USAA Federal Savings Bank and for such other and further relief as the Court may deem just and proper.

Respectfully submitted this 19th day of December, 2014.

/s/
Sonya M. Buckley
Attorney for the Chapter 13 Trustee
GA Bar No. 140987

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NOTICE OF HEARING

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed a Motion for Determination of Claim Status.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **January 27, 2015 at 11:00 a.m. in Courtroom 1402, United States Courthouse, 75 Spring Street, Atlanta, GA 30303.**

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you served the response. Mail or deliver your response so that it is received by the Clerk at least two (2) business days before the hearing. The address of the Clerk's Office is **Clerk, U.S. Bankruptcy Court, 75 Spring Street, Atlanta, Georgia 30303.** You must also mail a copy of your request to the undersigned at the address stated below.

/s/
Sonya M. Buckley
Attorney for the Chapter 13 Trustee
GA Bar No. 140987

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

DEBTOR(S):

Earl Renando Williams
898 Lorrимont Lane
Fairburn, GA 30213

ATTORNEY FOR DEBTOR(S):

Robert J. Semrad & Associates
101 Marietta St., NW, Suite 3600
Atlanta, GA 30303

CREDITOR(S):

USAA Federal Savings Bank via certified mail
Attn: Josue Robles, Jr.
Chief Executive Officer
9800 Fredericksburg Road
San Antonio, TX 78288

USAA Federal Savings Bank
Attn: Bankruptcy Administrator
10750 Mcdermott Fwy.
San Antonio, TX 78288

Courtney M. Domel, Authorized Agent
USAA
P.O. Box 829009
Dallas, TX 75382-9009

in the foregoing matter with a copy of this pleading by depositing same in the United States Mail in a properly addressed envelope with adequate postage thereon.

This 19th day of December, 2014.

_____/s/
Sonya M. Buckley
Attorney for the Chapter 13 Trustee
GA Bar No. 140987

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